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Attorney Docket No. 14014.0432U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: 1641
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Hui Ge)	
)	
Application No. 09/936,005)	Examiner: Ann Y. Lam
)	
Filed: November 14, 2001)	Confirmation No. 7848
)	
For: UNIVERSAL PROTEIN ARRAY)	
SYSTEM)	

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 36339

Sir:

Prior to the issuance of an Office Action pertaining to the above-referenced patent application, filed simultaneously herewith, please enter the following amendment in the application and consider the following remarks. A request for Extension of Time is filed herewith.

This Response to Restriction Requirement is responsive to the Office Action mailed April 28, 2005 restricting claims 1-45 into six groups.

Applicants provisionally elect for examination Group I (claims 1-13 and 45), with traverse.

Applicants respectfully request that the entire restriction requirement be reconsidered because the Examiner has not shown that a serious burden would be required to examine all the claims. M.P.E.P. § 803 provides:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.
(*Emphasis added.*)

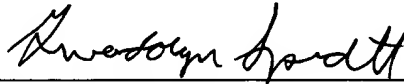
Thus, for a restriction requirement to be proper, the Examiner must satisfy the following two criteria: (1) the existence of independent and distinct inventions (35 U.S.C. § 121); and (2) that the search and examination of the entire application cannot be made without serious burden. The present restriction requirement does not satisfy the second criteria, and thus, is improper.

In the present instance, the claims are so closely related that minimal additional searching would be required to identify any art relevant to all of the groups as compared to any one of the groups. Because all of the claims are united by a universal protein array, any search that detects art relevant to the universal protein array will detect all of the art relevant to any of the claims. Thus, there would be no serious burden to search and examine all of the claims together. Thus, withdrawal of the restriction requirement and examination of all of the claims together is respectfully requested.

Furthermore, applicants call attention to the provisions for rejoinder, which are applicable to the present election. A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$120, representing the fee under 37 C.F.R. § 1.17(a)(1), is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence as well as anything indicated as being attached or enclosed is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date shown below.



Gwendolyn Spratt

6-28-05

Date